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ABSTRACT

In order to develop a more uniform approach to determining the population of limited-English-proficient (LEP) individuals in the United States, and for purposes of educational decisions and resource allocation, the definition of this particular population is discussed in this theme issue. First, approaches currently used to estimate the size of the population and the variety of definitions are examined. Federal and state definitions are given, to exemplify the disagreement states and districts have over how to identify the LEP population accurately. Recommendations are made for a standardized definition, and the advantages and disadvantages of doing so are outlined. An appendix lists recent estimates of the LEP population and an explanation of each. Contains nine references. (MSE)

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DEFINING THE LIMITED-ENGLISH PROFICIENT STUDENT POPULATION

by Kris Anstrom, NCBE Information Analyst

Introduction

The language-minority school-age population has now reached 9.9 million, according to data from the 1990 census, which defines language minority as those individuals living in households in which a language other than English is spoken. This figure indicates that 22% of the total school-age population, estimated at 44.9 million in 1990, live in such households. In addition, while the language minority population has increased, the population of students from English-only homes has declined. The 1980 census estimated that 83% of the school-age population lived in English-only households; in 1990 this percentage fell to 78% of the total (Waggoner, D., 1994). As a subset of the language minority student population, the limited-English proficient student population has been estimated at anywhere from 1.355 million to 3.685 million, according to one source (Hopstock, P. and Bucaro, B., 1993) and from 5 to 7. 5 million according to another (Waggoner, D., 1993). As a proportion of the total school-age population, LEP students could comprise as little as 3% or as much as 17% of the total, depending upon which figures are used. These differences are significant and need to be examined in the context of what is at stake, namely the allocation of adequate resources to all students of limited-English proficiency.

Given the variance in figures used to estimate the LEP population and the educational and fiscal decisions dependent upon these estimates, it is important to understand why this variance occurs and what solutions have been offered to derive a more uniform approach to determining the LEP population. The following discussion begins by examining the approaches used to estimate the LEP population and the variety of definitions of limited-English proficient. Federal and state definitions are given to exemplify the disagreement states and districts have over how to accurately identify LEP students. Finally, recommendations are given for a standardized definition along with the advantages and disadvantages of doing so. An appendix listing recent estimates of the LEP population and an explanation of each is also included.

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Counting the limited-English proficient student population

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Variances in the LEP estimates derive from differing approaches used to estimate the size of the LEP population: school-based studies and Census counts from 1980 and 1990. Census counts are broad-based and consistent in definition; however, information on LEP status is collected based on responses to two questions: language(s) used in the home; and reported ability to speak English. Respondents are asked to rate household members' English speaking ability on the following scale: "very well," "well," "not very well," and "not at all." Such distinctions may be difficult for non-native speakers to make; thus, the reliability of this information is questionable (Hopstock, P. and Bucaro, B., 1993). In addition, basing limited-English proficiency status on speaking ability alone does not account for those individuals who may speak English well but who are limited in their ability to read and write English. School-based approaches, on the other hand, tend to use more sophisticated methods of identifying LEP status (i.e., detailed assessment measures) but do not consistently apply any standard of what it means to be a LEP student due to varying state and local definitions (Hopstock, P. and Bucaro, B., 1993).

Given the lack of an objective standardized means of defining limited English proficient, it comes as no surprise that estimates of the LEP student population vary widely. What is not disputed, though, is that the LEP population continues to grow and that local, state, and federal dollars will continue to be needed to educate these students. At the federal level for the 1993-94 school year, 352,068 LEP students were provided services through Title VII funded programs. However, this figure represents only 12 percent of all LEP students, according to the school-based figures used by the U.S. Department of Education's Office of Bilingual Education and Minority Languages Affairs. Of the federally-funded programs, Chapter 1 (now Title I) enrolled the highest percentage of LEP students, approximately 31 percent of the LEP population (Donly, B., et.al., 1995). As these figures indicate, the primary source for funding the education of LEP students must be State and local dollars. Thus, State and local education policy makers, as well as federal policy makers, are in need of reliable information on the number of students needing language assistance in order to allocate adequate funding for services and for monitoring their effectiveness (Hopstock, P. and Bucaro, B., 1993).

What is at issue then is how to collect comparable, accurate and reliable data that will ensure a level of funding appropriate for providing adequate services to all LEP students. Factors complicating LEP data collection include variations in definitions used, identification procedures, and data collection methods, levels and purposes. Variations in definitions from state to state and from district to district result in students being labeled LEP in one district or state and not in another. While most people have a general conception about what it means to be limited-English proficient, the differing interpretations at the state and district levels are a result of disagreement over how to operationalize this conception (Cheung, O., et.al., 1994).

Defining the Limited-English Student Population

Federal Definition

Defining the population served by federal bilingual education funding has changed since the inception of the Bilingual Education Act in 1968. Prior to the 1978 Education Amendments, the term "limited English speaking ability" (LESA) was used to define the population served through Title VII funding. This term was broadened in the 1978 Amendments to include not only those students who were limited in their speaking ability but also those who had sufficient difficulty in reading, writing, or understanding the English language; hence the term limited English proficient (Stewner-Manzanares, G., 1988). However, due in part to the ambiguity of the federal definition of LEP, as made clear below, confusion and controversy have continued over who is and is not an eligible recipient of federally-funded support.

As defined in Title VII of the Improving America's Schools Act of 1994 (Public Law 103-382), a student is

LEP if he/she "has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society due to one or more of the following reasons:

- was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant;

- is a native American or Alaska native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had significant impact on such individual's level of English language proficiency; or

- is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant" (sec. 7501).

State Definitions

Most states either apply the federal definition given above or use a simplified or operationalized version of it (Cheung, O., and Solomon, L.W., 1991). A recent survey of State Education Agencies (SEAs) indicates that all 52 responding states and territories had definitions for LEP. A listing of the criteria used in these definitions and the frequency with which the various states and territories use them follow: a non-English background (44 cases); difficulty in understanding, speaking, reading, and/or writing English (29 cases); percentile cutoffs on language or achievement tests (17 cases); local determination (9 cases); and other criteria such as grade reports and teacher judgements (13 cases) (Hopstock, P. and Bucaro, B., 1993). The states of New York, California, and Texas provide examples of how the term limited-English proficient can be interpreted differently.

> New York chooses to define limited-English proficient students as those "pupils who by reason of foreign birth or ancestry, speak a language other than English, and either understand and speak little or no English... or score at or below the 40th percentile, or its equivalent as determined by the commissioner, on an English language assessment instrument approved by the commissioner provided, however, that no pupil shall be served in a bilingual or English as a second language education program...for a period in excess of three years from the date of enrollment in school unless such period is extended by the commissioner with respect to individual pupil..."(from *Guidelines for Programs under part 154 of Commissioner's Regulations for Pupils with Limited English* Proficiency, April 1990).

California, on the other hand, has a slightly different interpretation:

> "Each student with a home language other than English...has been assessed...in English comprehension, speaking, reading, and writing.....Each LEP student has a score of less than fluent according to publisher's norms on a state-authorized test of comprehension and speaking proficiency (K-12), or a score of fluent on the English comprehension and speaking proficiency test AND a score below the district-established standards on the district's English reading and writing assessments" (From the California Education Code).

In Texas, the language proficiency assessment committee may classify a student as limited English proficient if one or more of the following criteria are met:

"(1) the student's ability in English is so limited or the student is so handicapped that assessment procedures cannot be administered; (2) the student's score or relative degree of achievement on the agency-approved English proficiency test is below the levels established by the agency as indicative of reasonable proficiency; (3) the student's primary language proficiency score as measured by an agency-approved test is greater than his proficiency in English; or (4) the language proficiency assessment committee determines, based on other information such as (but not limited to) teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than his proficiency in English or that the student is not reasonably proficient in English" (Texas Education Code s21.455).

Defining limited English proficiency: Issues and recommendations

It is clear from these and other definitions that a LEP student is one who comes from a non-English background and whose English language skills impair his/her ability to perform ordinary classwork in an all-English medium; however, it is also apparent that disagreement centers around the following questions:

1) Which English language modes (speaking, listening, reading, and writing) should be assessed to determine English language ability?

2) What English proficiency levels are necessary for students to be classified as fluent English proficient (FEP)?

3) Should some students always be considered LEP given that they are unlikely to score at a certain level on a standardized achievement test (Hopstock, P. and Bucaro, B., 1993)?

In *The Feasibility of Collecting Comparable National Statistics about Students with Limited English Proficiency: A Final Report of the LEP Student Counts Study*(Cheung, 1994) the following definitions of LEP and FEP were recommended:

- Limited English proficient: one who has a language background other than English, and his or her proficiency in English is such that the probability of the student's academic success in an English-only classroom is below that of an academically successful peer with an English-language background.

- Fluent English proficient: one who is able to use English to ask questions, to understand teachers and reading materials, to test ideas, and to challenge what is being asked in the classroom. Four language skills contribute to proficiency:

    - *Reading skills:* the ability to comprehend and interpret text at the age- and grade-appropriate level;
    - *Listening skills:* the ability to understand the language of the teacher and instruction, -comprehend and extract information, and follow the instructional discourse through which teachers provide information;
    - *Writing skills:* the ability to produce written text with content and format fulfilling classroom assignments at the age- and grade-appropriate level; and
    - *Speaking skills:* the ability to use oral language appropriately and effectively in learning activities (such as peer tutoring, collaborative learning activities, and question/answer sessions) within the classroom and in social interactions within the school.

These definitions were recommended by the *LEP Student Counts Study* task force to encourage appropriate assessment of LEP students for identification and placement purposes. However, these definitions still do

not contain specific indicators, such as a cut-off point or score on a specified assessment instrument and, thus, do not address data collection issues arising from the use of varying definitions at the district level (Cheung, O., et.al., 1994).

A nationwide standardized operational definition of limited-English proficiency has both advantages and disadvantages. Advantages include:

- a clearer understanding of what it means to be limited-English proficient;
- a more accurate estimation of the LEP population;
- a more accurate estimation of the distribution of LEP students, thus allowing for a more equitable allocation of resources for serving these students;
- the use of common terminology when discussing the specialized needs of this population;
- a decrease in under identification of LEP students who move from district to district.

Disadvantages in establishing a nationwide standardized operational definition of limited-English proficiency include:

- a definition that is either too narrow (under identifying students) or too broad (over identifying students);
- a definition that favors some language or cultural groups over others;
- a definition that increases the cost and burden on districts as a result of additional standardized testing (Hopstock, P. and Bucaro, B., 1993).

Despite these disadvantages, the U.S. Department of Education, in conjunction with state and local education officials (via their national organizations--the Council of Chief State School Officers, the National Association of Elementary School Principals, the National Association of Bilingual Education, etc.) could develop and promote a standardized operational definition. Recommendations for ensuring that such a definition would be useful include defining for each grade level the language skills which denote LEP status; suggesting assessments that measure those skills; identifying cutoff scores for proficiency; specifying how LEP status and language-related special education categories differ; and allowing for a trial period during which various definitions are tested (Hopstock, P. and Bucaro, B., 1993).

Appendix: Estimates of the LEP Student Population: A List of Resources.

The following annotated bibliography is excerpted from the report *A Review and Analysis of Estimates of LEP Student Population* prepared under contract for the U.S. Department of Education by Development Associates.

August, D. and Hakuta, K. (1993). *Federal Education Programs for Limited English Proficient Students: A Blueprint for the Second Generation.* Stanford Working Group: Stanford, CA.
3,307,500 LEP children in 1990

This estimate was based on data from the 1990 Census and California's Language Census. The authors compared the number of LEP students identified through California's Language Census (986,462) with Census data on the number of state residents ages 5 to 17 who spoke a language other than English in the home (1,879,000). They used these data to define a LEP/LM (language minority) percentage of 52.5%. The authors justified this approach as follows: "Because of its uniform assessment criteria and strict reporting requirements, California's annual Language Census probably yields the most accurate LEP count

of any State." The authors then multiplied this LEP/LM percentage by the national count of children ages 5 to 17 who spoke a language other than English in the home (6.3 million) to generate their estimate.

The estimate was based on two assumptions. First, it assumed that the California LEP count was valid and reliable, and that individual districts and schools in the state were consistent in how they identified, placed, and exited LEP students. Second, the estimate assumed that the California LEP/LM percentage was equally applicable nationwide.

Bureau of the Census, (1993).
2,388,243 children in 1990 with difficulty speaking English

This estimate comes directly from summary tables of the 1990 Census based on data from the "long form," which was completed by a 1/6 sample of the overall U.S. population. It represents the number of children ages 5 to 17 in the U.S. who spoke a language other than English in the home and who were rated as speaking English less than "very well." ...Some analysts do not consider this count to be an estimate of school-age LEP children because it is based only on subjective ratings of the ability to speak English. However, the count does have some meaning of its own, and it serves as a benchmark for defining other estimates.

Fleischman, H. and Hopstock, P., (1993). *Descriptive Study of Services to Limited English Proficient Students Volume 1: Summary of Findings and Conclusions.* Development Associates, Inc.: Arlington, VA.
2,314,079 LEP students in 1991

This estimate was based on a mail survey of 745 school districts conducted as part of the "Descriptive Study of Services to Limited English Proficient Students." The sampling plan for the survey included the 100 districts with the largest numbers of LEP students (according to sampling data), and was weighted so that districts with greater numbers of LEP students had higher probabilities of selection (thus improving the reliability of the estimate).

The estimate was of LEP students in grades K-12 who were enrolled in public schools in the U.S. in Fall 1991. LEP students were defined as follows: "Individuals not born in the United States or whose native language is other than English, and individuals who come from non-English dominant environments, whose skills in English are so limited that they derive little benefit from regular school instruction." In responding to the survey, districts were told to use their own operational definitions of this concept.

Henderson, A., et.al., (1993). *Summary of the Bilingual Educational Agency Program Survey of States' Limited English Proficient Persons and Available Educational Services 1991-1992.* SIAC, Development Associates, Inc. and Westat: Arlington, VA.
2,430,712 LEP students in 1992

This estimate was based on data from a survey of state education agencies (SEAs) by the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) as funded under the Title VII SEA Grant Program. The definition of a LEP student was based on state or local determination. A total of 52 states and territories (including, D.C., American Samoa, the Northern Marianas Islands, Palau, Puerto Rico, and the Virgin Islands) responded to the survey. The states not included were Arkansas, Pennsylvania, Virginia, and West Virginia. These states included 3 percent of all LEP students according to 1990 Census data.

The estimate was of LEP students in public and private schools in the U.S. and territories during the 1991-92 school year. Thus, it was an estimate based on a "window," in which duplication across

jurisdictions was possible if a student moved during the school year. Many respondents also acknowledged that estimates of private school students were weak.

(Note: The SEA survey for the 1993-94 school year estimated 3,037,922 LEP students enrolled in public and nonpublic schools. Source: *Summary of Bilingual Education State Educational Agency Program Survey of States' Limited English Proficient Persons and Available Educational Services 1993-1994.* Development Associates Inc.: Arlington, VA.)

Hopstock, P., et.al., (1993). *Descriptive Study of Limited English Proficient Students: Volume 2 Survey Results.* Development Associates, Inc.: Arlington, VA.
1,997,742 LEP students in 1991

This estimate was based on data collected from state education agencies as part of the sampling process for the "Descriptive Study of Services to Limited English Proficient Students." Data on the number of LEP students per district were collected from SEAs in order to draw a sample of districts. Comprehensive data were received from all states except Pennsylvania, which listed only the nine districts with the largest LEP enrollments. A survey was done of 10 percent of the remaining districts in Pennsylvania in order to develop a state estimate.

This estimate was of LEP students enrolled in public school districts in 1990-91. Thus, it involved a "window" and was not an estimate at a particular point in time. Data from Colorado were adjusted slightly because they were "seat count" rather than enrollment numbers.

Puma, M. and Jones, C., (1993). *Prospects: The Congressionally Mandated Study of Educational Growth and Opportunity: Interim Report.* Abt Associates, Inc.: Bethesda, MD. **595,165 LEP students in grades 1, 3, and 7 in 1992**

This estimate was based on data from the "Prospects" study of the federal Chapter 1 Program. Data were collected at the local level concerning a sample of individual students. Students were labeled as LEP if they met any of six criteria, including teacher identification, receipt of English as a Second Language (ESL) services, or school identification as "language limited" for testing purposes. Schools with high percentages of language minority students were over sampled in the study.

The study involved three cohort groups at the first, third, and seventh grade levels. Thus, estimates only at those levels were generated by the authors of the Prospects study. However, by using some assumptions and approximations not part of the Prospects study, the authors of this review generated an estimate of the K-12 population from these numbers. For grades 2, 4, 5 and 6 estimates were created by interpolation between estimates from the Prospects study in the given grades. For kindergarten and grades 8-12, ratios were developed between the grades to be estimated and grades in the Prospects study based on data from the Descriptive Study of Services to LEP Students (e.g., grade 8 LEP students/grade 7 LEP students), and those ratios were then applied to the Prospects data. Based on these estimates using data from the Prospects study, the number of LEP students would be approximately 2.16 million.

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